

ENTERED

June 18, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN SHELBY,	§	CIVIL ACTION No
Plaintiff,	§	4:24-cv-01128
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
AMGUARD	§	
INSURANCE CO,	§	
Defendant.	§	

ORDER TO SHOW CAUSE

The parties submitted a joint status report on June 17, 2025. Dkt 32. It notes that the appraiser for Defendant AmGuard Insurance Company has inspected the subject property and provided his conclusions. Plaintiff John Shelby notes that he has identified his appraiser, while stating that he hasn't yet inspected the property.

Such delay by Plaintiff and the attendant obstruction of forward progress in this litigation appears, on the present record, inexcusable. It was Plaintiff who brought the motion to compel appraisal in the first instance. Dkt 24. And the implementing order dated all the way back to December 17, 2024, ordered the parties to use "best efforts" to complete the appraisal by June 17, 2025. Dkt 31.

The status report in no way establishes that Plaintiff exercised best efforts. This is especially true in the context of Defendant having readily completed its appraisal.

Plaintiff John Shelby is ORDERED TO SHOW CAUSE by June 25, 2025, as to why this action shouldn't be dismissed for failure to abide by court order.

Defendant AmGuard Insurance Company is ORDERED to file a response and attach to it a detailed proposed order


that it believes appropriate and suitable for entry in light of all the circumstances.

It is further ORDERED that Plaintiff must cease any further action on appraisal pending ruling on the potential for dismissal.

For the avoidance of doubt, it is inadequate for Plaintiff at this point to purport now to complete and submit his appraisal. The only thing at issue, at present, is the unreasonable delay by Plaintiff and the abject failure of his counsel to abide by prior order. Completion of appraisal will be ordered later, if determined necessary.

SO ORDERED.

Signed on June 18, 2025, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge